

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/board.asp](http://www.montgomerycountymd.gov/content/council/boa/board.asp)

**Case No. S-2633**

**PETITION OF DEVADASAN THOMAS**

OPINION OF THE BOARD

(Opinion Adopted November 8, 2006)

(Effective Date of Opinion: December 1, 2006)

Case No. S-2633 is an application for a special exception, pursuant to Section 59-G-2.00 of the Zoning Ordinance, to permit an existing accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on October 13, 2006, and on October 27, 2006 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 26, Block R, Good Hope Estates Subdivision, located at 15220 Aylesbury Street, Silver Spring, Maryland, 20904, in the RE-1 Zone.

Decision of the Board:      Special Exception **Granted** Subject  
To Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on November 8, 2006. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. The Petitioner shall be bound by all of his testimony, representations and exhibits of record identified in this report.
2. The Petitioner shall take the following steps to comply with the items set forth in the Memorandum of Robert DeJter, Housing Code Field Supervisor, Division of Housing and Code Enforcement (Exhibit 15):

- a. Exterior wood trim: Scrape and remove flaking and peeling paint and repaint surfaces to prevent deterioration and decay.
  - b. Front window: Replace broken glass.
  - c. Side yard: Remove discarded tire.
  - d. Apartment entrance door: Remove double cylinder deadbolt lock from door.
  - e. Kitchen: Replace missing panel door on dishwasher.
  - f. Floor space/occupancy: The accessory apartment contains approximately 773 square feet of habitable floor space and can be occupied by no more than 2 unrelated persons or a family not to exceed 4 persons.
  - g. Furnace room: Install ventilation grate on furnace room door.
3. Petitioner must occupy one of the dwelling units on the lot on which the accessory apartment is located.
4. Petitioner must not receive compensation for the occupancy of more than one dwelling unit.
5. Petitioner shall have any new tenants of the accessory apartment sign a lease agreement, for a minimum of one year, with clearly stated provisions controlling noise, pets, parking and other activities and actions that could have an adverse impact on neighboring properties.
6. Petitioner must make available at least one parking space on his driveway for the accessory apartment tenant, and the tenant must park his vehicle either in that space or on the street directly in front of Petitioner's home. Petitioner must include, in his lease agreement with any new accessory apartment tenants, a provision that contains this same restriction, and limits the accessory apartment tenant or tenants to no more than a total of two vehicles.
7. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Wendell M. Holloway, seconded by Donna L. Barron, with Caryn L. Hines, Catherine G. Titus and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 1<sup>st</sup> day of December, 2006.

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Katherine Freeman  
Executive Director

**NOTE:**

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

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